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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,888	02/13/2002	Barry P. Falvo	D02603	9314
43471	7590	12/08/2010		
Motorola, Inc. Patent Operations Law Department 600 North US Highway 45 IL 93-W2-55BB Libertyville, IL 60048-5343			EXAMINER PENG, FRED H	
			ART UNIT 2426	PAPER NUMBER
			NOTIFICATION DATE 12/08/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Mobility@motorola.com

Office Action Summary

Application No.

10/075,888

Applicant(s)

FALVO ET AL.

Examiner

FRED PENG

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Pre-Brief Conference request filed on 07/28/2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejections set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Status of Claims

2. Claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman et al (US 6,018,768) in view of Wu et al (US 6,326,982).

Regarding Claim 1, Ullman discloses a set-top box (STB) with a television and an auxiliary display device, with a method of changing program channels comprising:

(a) the STB (FIG.5, 140; Col 10 lines 22-25; as an alternative embodiment for receiving video) transmitting current tuned channel information to the auxiliary display device (refer but not limited to Col 5 lines 45-48; Col 7 lines 42-53; Col 9 lines 4-20; currently tuned channel information is inherently transmitted to a internet connection such as modem in order to receive corresponding URLs from the internet);

(b) the auxiliary display device determining a particular URL associated with the current tuned channel information utilizing the current tuned channel information provided by the STB (Col 5 lines 3-10; Col 7 lines 12-30; Col 9 lines 4-20; by receiving and storing channel related URL information from alternate internet in advance, the modem then is able to determine a URL from among stored URLs for various programs/channels based on the received channel related information such as time stamp); and

(c) the auxiliary display device presenting the web content associated with the URL associated with the current tuned channel information on the display of the auxiliary display device (Col 9 lines 4-20; Col 10 lines 26-32; the modem then is able to display the web content on an alternative display device).

Ullman discloses transmitting tuned channel information to the internet connection device such as modem for receiving corresponding URLs for display but is not clear about transmitting the channel number to the internet connection device.

In an analogous art, Wu discloses using a channel parameter such as channel number at a certain time as a means to identify the corresponding Web address for internet access (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ullman's system to include a channel number as an alternative to identify the corresponding web site for auxiliary information access.

Alternatively, a person of skill in the art would have had good reasons to pursue the known options of using a channel number as an alternative for a selected program over a particular time period. It would require no more than "ordinary skill and common sense" to use the channel number as an alternative to represent a broadcast program.

Regarding Claim 2, Ullman further discloses the auxiliary display device presenting a hyperlink on the display, the hyperlink providing access to program channel data associated with a new tuned channel; and activating the hyperlink to change the current tuned channel to the new tuned channel (refer but not limited to Col 9 lines 20-23).

Regarding Claim 3, Ullman further discloses correlating the program channel data to a virtual channel map (VCM) stored in the STB (refer but not limited to Col 3 lines 52-55; Col 6 lines 44-48).

Regarding Claim 4, Ullman further discloses that a web browser residing in the auxiliary display device using the URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (refer but not limited to Col 3 lines 32-38).

Regarding Claim 5, Ullman further discloses step (a) is implemented in response to a user changing the current tuned channel (refer but not limited to Col 5 lines 62-67; Col 6 lines 1-4).

Regarding Claim 6, Ullman further discloses from Claim 1 that step (a) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (refer but not limited to Col 10 lines 45-48).

Regarding Claim 7, Ullman discloses a STB in communication with a remote server, a television and an auxiliary display device, with a method of changing program channels comprising:

(a) receiving, at the STB, a virtual channel map (VCM) (Link File) from the remote server, the VCM including URL information associated with at least one program channel (refer but not limited to Col 3 lines 44-59); (b) the STB transmitting the VCM to the auxiliary display device (refer but not limited to Col 6 line 66 - Col 7 line 11; the STB inherently sending Link File containing URL information to internet connection device for processing in order to access the corresponding website); (c) storing the VCM in the auxiliary display device (then stores Link File containing URL information for processing); (d) the STB transmitting current tuned channel information to the auxiliary display device (the tuned channel information is then inherently transmitted to internet connection device in order to obtain corresponding URLs); (e) the auxiliary display device correlating the current tuned channel information to a particular URL contained in the VCM utilizing the current tuned channel information provided by the STB (refer but not limited to Col 6 lines 44-48; such as time stamp of the channel); and

(f) the auxiliary display device presenting web content associated with the particular URL associated with the current tuned channel on the display of the auxiliary display (refer but not limited to Col 3 lines 44-59; Col 6 lines 44-48).

Ullman discloses transmitting tuned channel information to the internet connection device such as modem for receiving corresponding URLs for display but is not clear about transmitting the channel number to the internet connection device.

In an analogous art, Wu discloses using a channel parameter such as channel number at a certain time as a means to identify the corresponding Web address for internet access (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ullman's system to include a channel number as an alternative to identify the corresponding web site for auxiliary information access.

Alternatively, a person of skill in the art would have had good reasons to pursue the known options of using a channel number as an alternative for a selected program over a particular time period. It would require no more than "ordinary skill and common sense" to use the channel number as an alternative to represent a broadcast program.

Regarding Claim 8, Ullman further discloses (g) the auxiliary display device presenting a hyperlink on the display of the auxiliary display device, the hyperlink providing access to program channel data associated with a new tuned channel; and (h) activating the hyperlink to change the current tuned channel to the new tuned channel (refer but not limited to Col 9 lines 20-23).

Regarding Claim 9, Ullman further discloses the program channel data is correlated to a VCM stored in the STB, and the STB changes the current tuned channel to the new tuned channel (refer but not limited to Col 3 lines 52-55).

Regarding Claim 10, Ullman further discloses step (e) comprising a web browser residing in the auxiliary display device using the particular URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (refer but not limited to Col 3 lines 32-38).

Regarding Claim 11, Ullman further discloses step (d) is implemented in response to a user changing the current tuned channel (Col 3 lines 44-55).

Regarding Claim 12, Ullman further discloses step (d) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (Col 10 lines 45-49).

Regarding Claim 13, Ullman further discloses the STB transmits the current channel information to the auxiliary display device via the remote server (Col 4 lines 19-23).

Regarding Claim 14, the system claim limitations has been discussed with regards to the method claims of Claim 1.

Regarding Claim 15, Ullman further discloses (c) a wireless communication bridge, wherein the STB transmits the current tuned channel information to the auxiliary display device via the wireless communication bridge (FIGs. 1, 2 and 5).

Regarding Claim 16, Ullman further discloses the auxiliary display device presents a hyperlink on the display of the auxiliary display device, the hyperlink providing access to program channel data associated with a new tuned channel when activated (Col 9 lines 20-23).

Regarding Claim 17, Ullman further discloses the STB includes a virtual channel map (VCM), and the program channel data is correlated to the VCM (Col 3 lines 52-55; Col 6 lines 44-48).

Regarding Claim 18, Ullman further discloses the auxiliary display device further comprises a web browser used to access a web site based on the particular URL, the web site providing data to be presented on the display of the auxiliary display device (Col 3 lines 32-38).

Regarding Claim 19, Ullman further discloses the STB transmits current tuned channel information to the auxiliary display device in response to a user changing the current tuned channel (Col 5 lines 62-67; Col 6 lines 1-4).

Regarding Claim 20, Ullman further discloses the communications system is a cable television (CATV) system (FIG. 5; Col 4 lines 50-53).

Regarding Claim 21, the system claim limitations has been discussed with regards to the method claims of Claim 7.

Regarding Claim 22, Ullman further discloses (d) a cable modem in communication with the remote server; and (e) a wireless communication bridge, wherein the STB transmits the current tuned channel information to the auxiliary display device via the remote server, the cable modem and the wireless communication bridge (Col 9 lines 63-67; the digital cable box 140 can make a wireless connection with the display unit).

Regarding Claim 23, Ullman further discloses the STB transmits current tuned channel information to the auxiliary display device in response to a user changing the current program channel (Col 3 lines 44-55).

Regarding Claim 24, Ullman further discloses the remote server is a cable head-end operated by a multiple system cable operator (MSO), the cable head-end comprising: (i) reverse data channel (RDC) equipment; (ii) a network control system (NCS); and (iii) a cable modem termination system (CMTS) (FIG. 5 is a diagram of another preferred embodiment including a digital cable box. FIG. 5 shows a digital back channel connecting from the digital cable box to content creation 4 which inherently is the cable head-end operated by a multiple system cable operator (MSO). The ordinary person in the art knows the digital cable head-end inherently includes (i) reverse data channel (RDC) equipment; (ii) a network control system (NCS); and (iii) a cable modem termination system (CMTS)).

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Regarding Claim 25, Ullman further discloses the communications system is a cable television (CATV) system (FIG. 5 is a diagram of another preferred embodiment including a digital cable box).

Response to Arguments

4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Claims 1-25 are rejected.

Correspondence Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Fred Peng/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

December 3, 2010